

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARLOS ANTONIO MORALES GARCIA,

No. C 10-00145 CW
CR 08-00216 CW

Movant,

v.

ORDER DENYING
MOTION FOR
DEFAULT JUDGMENT

UNITED STATES OF AMERICA,

Respondent.

Movant Carlos Antonio Morales Garcia filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. On January 14, 2010, the Court issued an Order to Show Cause directing Respondent to file with the Court and serve upon Movant an answer within thirty days of the issuance of the Order. On February 12, 2010, Movant filed an opposition to the motion. However, the opposition was not served on Movant. On March 18, 2010, Movant filed this motion for default judgment. On March 19, 2010, Respondent filed a certificate of service indicating it had served its opposition on Movant.

Therefore, the Court denies Movant's motion for default judgment as moot. If Movant wishes to respond to the opposition,

1 he shall have thirty days from the date of this order to file a
2 reply.

3
4 IT IS SO ORDERED.

5
6 Dated: April 8, 2010

Claudia Wilken

CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CARLOS ANTONIO MORALES GARCIA,
Movant,

Case Number: CV10-00145 CW

v.

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA,
Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 8, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carlos Antonio Morales Garcia 91001-111
FCC Forrest City - Medium
P.O. Box 3000
Forrest City, AR 72336

Dated: April 8, 2010

Richard W. Wieking, Clerk
By: Ronnie Hersler, Administrative Law Clerk